SINGLE BENCH (3)

(1)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

Writ Petition No. 3472 /2005

Petitioner: Smt. Gendbai W/o Shri Ganshyam Patel
aged about 31, village-Jevradih, Gram Panchayat-Singhichhua, Tehsil-Bilaigarh, District Raipur.

Versus

Respondents:

1) Smt. Meena Bai W/o Malikram, Gram Panchayat Singhichhua, Tahsil-Bilaigarh, District Raipur

2) Smt. Prembai W/o Karamchand, Gram Singhichhua, Tahsil-Bilaigarh, District Raipur

3) Smt. Yashodabai W/o Not Known, Gram-Doto,Tahsil- Bilaigarh, District Raipur.

4) Smt.Ratnibai W/O Not Known, Gram-Doto, Tahsil-Bilaigarh, District Raipur.

5) Smt. Laxminbai W/o Not Known. Gram-Doto, Tahsil Bilaigarh, District Raipur.

6. Smt. Sakunbai W/o Munuram, Gram-Singhichhua, Tahsil Bilaigarh, District Raipur.

7. Returning Officer, Polling Booth No. 127, Gram Panchayat-Singhichhua, Tahsil Bilaigarh, District Raipur.

8. Returning Officer, Polling Booth No. 128, Gram Panchayat-Singhichhua, Tahsil-Bilaigarh, District Raipur.

9. Returning Officer, Polling Booth No. 129, Gram Panchayat-Singhichhua, Tahsil-Bilaigarh, District Raipur.

10. Presiding Officer (Panchayat), Tahsil-Bilaigarh, District Raipur.

P.R. No. 3572/05
Presented by Shri Nayak Kumar
dated 26/7/05

RECEIVED-COPY
CLERK 26/7/05 G. BILASPUR

(4)

(2)

11. S.D.O., Bilaigarh, District Raipur

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA.

(46)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.3472/ **सन्** 2005

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

5-8-2005

On a mention being made, the case is taken up for hearing.

Mr. Parag Kotecha, counsel for the petitioner.

Mr. F.S. Khare, counsel for respondent No.1.

Mr. Ravi Ranjan Sinha, Panel Lawyer for the State/respondent No.11.

Heard on admission.

By the instant writ petition under Article 226/227 of the Constitution of India, the petitioner has questioned the legality, propriety and correctness of order dated 8-7-2005, whereby the learned Specified Officer (Sub Divisional Officer) has ordered for recount of ballot papers of polling station No.129, and thereafter, the recounting has already taken place.

Learned counsel for the petitioner submits that in recount 15 votes have been declared invalid on account of the fact that the seal indicating the intention of voter was found against the name of the petitioner as well as other candidates and thereby, there is every chance of change in the result. After recount, in those 15 votes the petitioner noticed that those seal marks were found in different inks, therefore, there was every possibility that the seal marks must have been put by committing mischief after the counting of votes, and the petitioner immediately filed an application (Annexure P-6) to that effect, but, the Sub Divisional Officer rejected his objection vide order dated 30-7-2005. Therefore, the S.D.O. be directed to get those 15 votes examined by the chemical examiner in order to ascertain whether both the seals were affixed at one time by seal or at different times by different seals, and record the finding thereafter, to which learned counsel for respondents No.1 & 11 have no objection.

In view of the above, the Specified Officer before announcing the result shall get these 15 votes examined by the chemical examiner and thereafter,

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

record his finding as to whether there is any merit in the objection raised by the petitioner and there was any possibility of manipulations after the original counting took place, and shall decide the election petition thereafter.

With the direction aforesaid, the petition stands disposed of.

Consequently, M.(W.)P.No.2943/2005 and I.A.No.6744/2005 also stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.Bhadoo
Judge

Soma

(पीछे देखिये)

9.8.05 13.8.05